

FILED

1 Emma D. Enriquez (SBN 225059)
2 emma@emmaenriquez.com
3 LAW OFFICES OF EMMA D. ENRIQUEZ
4 505 N. Arrowhead Avenue, Ste. 510
5 San Bernardino, CA 92401
(909) 206-1246 (office/facsimile)

2013 SEP 20 AM 11:51

CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
RIVERSIDE

BY: _____

6 Attorneys for Plaintiff,
7 El Paseo Jewelry, Inc., a California corporation

8 **UNITED STATES DISTRICT COURT**

9 **CENTRAL DISTRICT OF CALIFORNIA – EASTERN DIVISION**

10 11 EL PASEO JEWELRY, INC., a
12 California Corporation,

ED CV 13 - 01708

CBM
(OPx)

Case No.:

I. JURISDICTION AND VENUE

1. This is false advertising suit brought under 15 U.S.C. § 1125(a) (Lanham Act); Cal. Bus. & Prof. C. §§ 17500 *et seq.*, 17505; Cal. Bus. & Prof. C. § 17200 *et seq.*. El Paseo seeks damages, disgorgement, and injunctive relief under the Lanham Act. It seeks injunctive relief and any other appropriate equitable remedy, such as corrective advertising, under Cal. Bus. & Prof. C. §§ 17500 *et seq.*, 17505; Cal. Bus. & Prof. C. § 17200 *et seq.*.

2. The Court has federal question jurisdiction under 28 U.S.C. § 1331 over El Paseo's First Claim for Relief for false advertising actionable under the Lanham Act, 15 U.S.C. § 1125. The Court has jurisdiction over El Paseo's Second through Third Claims for Relief under 28 U.S.C. § 1337(a) for statutory false advertising, and statutory unfair competition, actionable under California law, because those claims are so related to Plaintiff's claims within the Court's original jurisdiction that they form part of the same case or controversy under Article III of the United States Constitution.

3. Venue is proper in this district because: (a) the Defendants are subject to personal jurisdiction in this district and reside in this district for purposes of 28 U.S.C. §§ 1391(b)(1) and 1391(c); and, alternatively, (b) because a substantial part of the events giving rise to El Paseo's claims occurred in this district, making venue appropriate under 28 U.S.C. § 1391(b)(2).

II. THE PARTIES

4. El Paseo Jewelry, Inc., is a corporation organized and existing under the laws of the State of California with its principal place of business in Palm Desert, Riverside County, California.

5. Out of the Box Enterprises, LLC ("Out of the Box") is a limited

1 liability company organized and existing under the laws of the State of Texas,
2 registered to do business in California, and with its principal place of business
3 in Rancho Mirage, Riverside County, California.
4

5 6. Darin Damme ("Damme") is an individual residing in Riverside
6 County, California.

7 7. Robert Riddlemoser ("Riddlemoser") is an individual residing in
8 Riverside County, California.

9 8. Damme, Riddlemoser, and Out of the Box are collectively referred
10 to herein as "Out of the Box Defendants".

11 III. FACTUAL BACKGROUND

12 A. THE COMPETITORS

13 9. El Paseo and Out of the Box are competitors in the gold purchasing
14 industry. They each purchase gold and other precious metals, such as silver and
15 platinum, from consumers and then eventually resell the purchased metals to
16 wholesalers, refineries, and other retailers. The industry is a highly competitive
17 one.

18 10. El Paseo and Out of the Box compete within the some Southern
19 California region known as the Coachella Valley which is populated by an
20 estimated 600,000 people. El Paseo and Out of the Box both have a particular
21 marketing focus on the Cities of Palm Springs, Palm Desert and Rancho Mirage.

22 11. El Paseo first entered the Coachella Valley market in November,
23 1998, with its brick-and-mortar store located in Palm Desert, California.

24 12. Out of the Box first entered the Coachella Valley market in 2008 by
25 hosting "house parties" and weekend purchasing events at hotels. In September,
26 2009, Out of the Box opened its brick-and-mortar store in Rancho Mirage,
27 California.
28

///

///

**B. OUT OF THE BOX'S ADVERTISING CAMPAIGN:
"WE BUY THE MOST SO CAN WE PAY THE MOST."**

13. Out of the Box is owned by two principals, each owning approximately 50% of the company: (1) Darin Damme; and (2) Robert Riddlemoser. Damme and Riddlemoser started Out of the Box after long careers in radio, marketing, and advertising. Damme and Riddlemoser used their marketing and advertising background to design and implement an aggressive marketing campaign to promote Out of the Box throughout the Coachella Valley.

14. Starting in 2009 and continuing to the present, Out of the Box's marketing message has been expressed as follows: (1) "We buy the most. We pay the most"; or (2) "We buy the most so we can pay the most." With this message, Out of the Box Defendants intend to attract sellers, that generally do not have any kind of precious metals specialized knowledge, to sell their gold and precious metals to Out of the Box Defendants. Out of the Box Defendants' intended to communicate two things: (1) Out of the Box purchases the most so they are able to pay the most due to the amount of its purchase and sale volume; and (2) Out of the Box is the number one "popular" gold purchasing store in the Coachella Valley.

15. Out of the Box's message "we buy the most so we can pay the most" has been published several hundred times through radio, television, billboard, and print media.

C. OUT OF THE BOX'S FALSE VOLUME ADVERTISING

16. On December 2, 2010, Out of the Box filed a federal lawsuit against El Paseo, case number EDCV10-1858 VAP(DTBx), (“OOTB Lawsuit”), based on a claim that El Paseo falsely advertised that it paid 92% of the spot price for gold (“92% Advertisements”). The 92% Advertisements were published in the Desert Sun newspaper from January, 2010, to September, 2010.

17. In July, 2012, a nine-day jury trial took place in the OOTB Lawsuit in Riverside, California. During the course of the trial, Damme, and Riddlemoser,

1 testified that they developed the "We buy the most. We pay the most." campaign
2 but were injured by the 92% Advertisements because they diverted business away
3 from Out of the Box Defendants.

4 18. During the trial, Riddlemoser testified that he was responsible for
5 handling the bookkeeping and accounting for the Out of the Box Defendants Store.
6 Riddlemoser also testified that he was responsible for ensuring that the gold
7 inventory was accurately reflected in Out of the Box Defendants Store financial
8 records.

9 19. During the trial, Damme and Riddlemoser testified that the amount of
10 gold purchases sharply declined during the months that the 92% Advertisements
11 were published: January, 2010 – September, 2010. In representing to the jury that
12 Out of the Box had lost between \$5M - \$6.7M in purchases, Damme and
13 Riddlemoser produced a forensic accounting expert, David Nolte, of Fulcrum
14 Financial Inquiry, LLP ("Nolte"). In support of his analysis, Nolte referred to
15 certain exhibits that summarized Nolte's review of Out of the Box's Quickbooks
16 accounting records.

17 20. Damme, Riddlemoser and Nolte's testimony along with Out of the
18 Box's Quickbook accounting records show that Out of the Box inflated the amount
19 of volume of precious metals purchases in its advertisements published in the
Desert Sun from October, 2009, to October, 2010, by up to 43%.

20 21. More specifically, El Paseo is informed and believes, and thereon
21 alleges, that Out of the Box inflated its advertised amount of volume of precious
22 metals purchases as follows (the numbers reflected as conservative):

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

DATE OF AD/REPRESENTED VOLUME	APPROXIMATE INFLATED AMOUNT OF VOLUME ADVERTISED
10/9/10: \$2,600,000	\$1,127,085 (inflated by 43%)
11/5/09: \$3,300,000	\$1,331,253 (inflated by 40%)
12/5/09: \$4,300,000	\$1,436,864 (inflated by 33%)
12/24/09: \$5,100,000	-
3/8/10: \$6,300,000	\$1,520,790 (inflated by 24%)
4/18/10: \$8,100,000	\$2,958,231 (inflated by 36%)
5/3/10: \$8,300,000	\$2,684,150 (inflated by 33%)
6/6/10: \$8,300,000	\$2,447,064 (inflated by 29%)
7/6/10: \$8,300,000	\$1,791,858 (inflated by 22%)
8/8/10: \$8,300,000	\$1,376,602 (inflated by 17%)
9/6/10: \$8,300,00	\$989,437 (inflated by 12%)
10/6/10: \$8,300,00	\$521,731 (inflated by 6%)

22. Copies of advertisements published by Out of the Box in the Desert Sun from October, 2009, through October, 2010, are attached hereto as Exhibit 1 and incorporated herein (“False Volume Ads”).

23. El Paseo is informed and believes, and thereon allege, that the False Volume Ads in Exhibit 1 are “page killer ads” intentionally made slightly larger than half of the page so that no other content on the page stands out. El Paseo is further informed and believes, and thereon alleges, that the Out of the Box (1) published the False Volume Ads in the Desert Sun at least four times a week; (2) for 11 months; (3) with an average daily circulation of 30,000 to 60,000. Based on these understandings, Out of the Box’s False Volume Ads were circulated at least 1,320,000 to 2,640,000 times.

24. This False Volume Ads were not discovered by El Paseo until after the trial had concluded because (1) Nolte did not testify until the last two days of trial and during the damages phase of the trial (the trial had been bifurcated and the

1 liability portion had already gone to jury); and (2) Out of the Box adjusted its
2 Quickbooks numbers and did not finalize its report based thereon until the trial.

3 25. El Paseo are informed and believe, and thereon allege, that given Out
4 of the Box Defendants' (1) admitted competitive rivalry with El Paseo for the same
5 target audience, as testified to during trial; (2) admitted aggressive advertising
6 tactics, as testified to during trial; and (3) evidence of False Volume Advertising,
7 El Paseo and consumers will continue to suffer injury due to Out of the Box
8 Defendants' false advertising unless the Court enjoins this kind of advertising.

9 **FIRST CLAIM FOR RELIEF**

10 **(for False Advertising, 15 U.S.C. § 1125(a))**

11 26. El Paseo refers to paragraphs 1 through 25 of the Complaint,
12 inclusive, and incorporates them by reference as though set forth in full.

13 27. As alleged in detail above, Out of the Box Defendants engaged in
14 false advertising regarding its amount of volume of total purchases during its
15 "We buy the most so we pay the most" campaign. The False Volume Ads
16 constitute literal false advertising.

17 28. El Paseo are informed and believes, and thereon alleges, that each
18 of the Out of the Box Defendants knew or should have known that each of the
19 claims were false or misleading.

21 29. El Paseo is informed and believes, and thereon alleges, that each
22 of Damme and Riddlemoser, are liable under the Lanham Act for Out of the
23 Box's False Volume Ads because they authorized, directed, and participated in
24 the tortious acts notwithstanding that they each may have acted as agents for
25 the corporation and not on their own behalf when creating and publishing the
26 False Volume Ads.

27 30. Through the conduct alleged above, Out of the Box Defendants
28

1 have used in interstate commerce false or misleading descriptions or
2 representations of fact in connection with the commercial advertising or
3 promotion of goods and services. Such descriptions and representations
4 misrepresent the nature, characteristics, and qualities of Out of the Box
5 Defendants' products and services, and are likely to influence the purchasing
6 decision of consumers, wholesalers, and retailers. Such descriptions and
7 representations have actually deceived or have the tendency to deceive a
8 substantial segment of the relevant customers, and have injured El Paseo by
9 diverting sales from El Paseo to Out of the Box Defendants. Accordingly, Out
10 of the Box Defendants' conduct violates 15 U.S.C. § 1125(a).

12 31. El Paseo are informed and believe, and based thereupon allege,
13 Out of the Box Defendants' false advertising in violation of 15 U.S.C. § 1125 has
14 caused substantial injury to El Paseo and is continuing to cause substantial
15 injury. El Paseo has no adequate remedy at law for these injuries. Unless Out
16 of the Box Defendants are restrained by this Court from continuing its false
17 advertising in violation of 15 U.S.C. § 1125, these injuries will continue to
18 accrue. Pursuant to 15 U.S.C. § 1116, El Paseo is entitled to preliminary and
19 permanent injunctive relief against Out of the Box Defendants' false
20 advertising.

22 32. El Paseo is entitled, under 15 U.S.C. § 1117, to recover Out of the
23 Box Defendants' profits realized as a result of Out of the Box Defendants' false
24 advertising. Out of the Box Defendants' profits are in an amount not yet
25 ascertained but to be proven at trial.

26 33. El Paseo are informed and believe, and based thereupon allege,
27 that Out of the Box Defendants' false advertising as alleged herein was and is

1 intentionally fraudulent, malicious, willful, and wanton. El Paseo are therefore
2 entitled, pursuant to 15 U.S.C. § 1117, to recover threefold Out of the Box
3 Defendants' profits realized by reason of Out of the Box Defendants' false
4 advertising. El Paseo are further entitled under 15 U.S.C. § 1117 to recover
5 the attorneys' fees incurred by it in this action.

6

7 **SECOND CLAIM FOR RELIEF**

8 **(False Advertising, Cal. Bus. & Prof. Code §§ 17500 *et seq.*)**

9 34. Plaintiff refers to paragraphs 1 through 33 of the Complaint,
10 inclusive, and incorporates them by reference as though set forth in full.

11 35. Out of the Box Defendants have engaged in the advertising
12 described above with the intent to misrepresent the volume of precious
13 metals purchases Out of the Box made in the Coachella Valley from 2009 to
14 2010.

15 36. The advertising alleged herein, constitutes false or misleading
16 advertising claims regarding character, extent, and volume of their business in
17 violation of Cal. Bus. & Prof. Code § 17505 which provides: "...no person shall
18 in any other manner misrepresent the character, extent, volume, or type of his
19 business."

21 37. Out of the Box Defendants' advertising is false or misleading and
22 is likely to deceive consumers in that Out of the Box Defendants' false
23 statements concerning the volume of precious metals purchases most likely
24 induced consumers to sell precious metals to Out of the Box Defendants
25 instead of competitors in the same industry like El Paseo.

26 38. El Paseo are informed and believe, and based thereupon allege,
27 that Out of the Box's false and misleading statements have actually induced
28

1 certain consumers to sell precious metals to Out of the Box Defendants
2 instead of competitors in the same industry like El Paseo.
3

4 39. El Paseo are informed and believe, and based thereupon allege,
5 that in making and disseminating these statements, Out of the Box Defendants
6 knew, or by the exercise of reasonable care should have known, that these
7 statements were untrue or misleading.

8 40. El Paseo is informed and believes, and thereon alleges, that each
9 of Damme and Riddlemoser, are liable under Cal. Bus. & Prof. Code §§ 17500
10 *et seq.* and 17505 for Out of the Box's False Volume Ads because each of them
11 personally caused, or being in control, at least permitted the acts constituting
12 false advertising. Additionally, given Damme and Riddlemoser's ownership
13 interests in Out of the Box, active management in Out of the Box, and roles in
14 creating and publishing the False Volume Ads, Damme and Riddlemoser knew
15 or should have known the falsity of the False Volume Ads.
16

17 41. Out of the Box Defendants' false advertising in violation of Cal.
18 Bus. & Prof. Code §§ 17500 *et seq.* and 17505 have caused substantial injury
19 to El Paseo. El Paseo have no adequate remedy at law for these injuries.

20 42. El Paseo are informed and believe and therefore allege that unless
21 Out of the Box Defendants are restrained by this Court from continuing its
22 activities in violation of Cal. Bus. & Prof. Code §§ 17500 and 17505, these
23 injuries will continue to accrue. Pursuant to Cal. Bus. & Prof. Code § 17535, El
24 Paseo are entitled to preliminary and permanent injunctive relief against Out
25 of the Box Defendants' false advertising.
26

27 ///
28 ///

THIRD CLAIM FOR RELIEF

(Statutory Unfair Competition, Cal. Bus. & Prof. Code §§ 17200 et seq.)

43. El Paseo refer to paragraphs 1 through 42 of the Complaint, inclusive, and incorporates them by reference as though set forth in full.

44. Out of the Box Defendants, by doing the acts alleged herein, have acted in violation of 15 U.S.C. § 1125(a), Cal. Bus. & Prof. Code §§ 17500 *et seq.*, and Cal. Bus. & Prof. Code § 17505.

45. By violating 15 U.S.C. § 1125(a), Cal. Bus. & Prof. Code §§ 17500 et. seq., and Cal. Bus. & Prof. Code Code § 17505, Out of the Box Defendants have engaged in unlawful, unfair, and fraudulent business practices constituting statutory unfair competition in violation of Cal. Bus. & Prof. Code §§ 17200 *et seq.*.

46. Out of the Box Defendants' unlawful, unfair, and fraudulent business practices in violation of Cal. Bus. & Prof. Code §§ 17200 *et seq.* have caused substantial injury to El Paseo.

47. El Paseo is informed and believes, and thereon alleges, that each of Damme and Riddlemoser, are liable under Cal. Bus. & Prof. Code §§ 17200 *et seq.* for Out of the Box's False Volume Ads because each of them personally caused, or being in control, at least permitted the acts constituting false advertising. Additionally, given Damme and Riddlemoser's ownership interests in Out of the Box, active management in Out of the Box, and roles in creating and publishing the False Volume Ads, Damme and Riddlemoser knew or should have known the falsity of the False Volume Ads.

48. El Paseo are informed and believe that, unless enjoined, Out of the Box Defendants will continue to cause substantial injury. El Paseo, therefore,

1 have no adequate remedy at law for these injuries. Unless Out of the Box
2 Defendants are restrained by this Court from continuing their unlawful,
3 unfair, and fraudulent business practices in violation of Cal. Bus. & Prof. Code
4 §§ 17200 *et seq.*, these injuries will continue to accrue.
5

6 49. Pursuant to Cal. Bus. & Prof. Code § 17203, El Paseo are entitled to
7 preliminary and permanent injunctive relief against Out of the Box
8 Defendants' unlawful, unfair, and fraudulent business practices constituting
9 statutory unfair competition in violation of Cal. Bus. & Prof. Code §§ 17200 *et*
10 *seq.*

11 **PRAYER**

12 WHEREFORE, El Paseo prays for judgment as follows:

13 A. **FOR INJUNCTIVE RELIEF, ON ALL CLAIMS FOR RELIEF:**

14 For a preliminary injunction and permanent injunction enjoining and
15 restraining, and its directors, officers, agents, servants, employees,
16 representatives, successors, assigns and any persons acting at their request or
17 direction or in active concert or participation with them, or any related
18 company embraced within the definition thereof contained in 15 U.S.C. §
19 1127, from engaging in any form of false advertising as alleged herein.

20 B. **FOR MONETARY RELIEF, ON THE FIRST CLAIM FOR RELIEF:**

21 (1) For an order requiring Out of the Box Defendants to account for
22 and pay over to El Paseo the profits realized by Out of the Box Defendants by
23 reason of the False Volume Ads;

24 (2) For the disgorgement of Out of the Box Defendants' ill-gotten
25 gains realized by Out of Box by reason of the False Volume Ads;

26 (3) For prejudgment interest at the maximum rate allowed by law.

1 C. ON ALL CLAIMS FOR RELIEF:

2 (1) For El Paseo's costs of suit herein;

3 (2) For attorneys' fees to the extent allowed by statute, including,

4 without limitation, 15 U.S.C. § 1117; and

5 (3) For such other and further relief as the Court deems just and

6 proper.

7

8 DATED: September 19, 2013

9 LAW OFFICES OF EMMA D.
10 ENRIQUEZ

11 
12 Emma D. Enriquez
13 Attorney for Plaintiff
14 El Paseo Jewelry, Inc., a California
15 corporation

EXHIBIT 1

NO GAMES...NO GIMMICKS

WE BUY THE MOST SO WE CAN PAY THE MOST

OUT OF THE BOX
ENTERPRISES.COM

GOLD STORE
has purchased over

\$2.6 MILLION in

GOLD, SILVER, PLATINUM JEWELRY

RARE COINS, COIN COLLECTIONS, GOLD WATCHES & DIAMONDS

EXCLUSIVELY FROM THE COACHELLA VALLEY

NOW we extend a personal invitation to you!

**WHY SELL TO THE "MIDDLEMAN" AT A HOTEL WHEN
YOU CAN RECEIVE EXACTLY WHAT THEY DO FOR YOUR ITEMS?**

CASH FOR JEWELRY

OLD GLASS RINGS

BROKEN CHAINS

SINGLE EARRINGS

JUST SITTING IN THE BACK
OF THE DRESSER DRAWER OR
SAFETY DEPOSIT BOX? BRING IT
ALL IN AND GET PUSHERS AND
INSTANT CASH!

CASH FOR STERLING SILVER

ALL STERLING SILVER WANTED

TRAY, SPOONS, KNIVES,

FORKS, SPOONS AND SERVING

PIECES, SINGLES, PIECES AND

SETS, MONOGRAMMED PLATES

ETC. STERLING AND PLATINUM

WANTED, ESPECIALLY GRAND

BAROUD, ROSPOINT AND

TIFFANY

CASH FOR GOLD SILVER & PLATINUM

GLASSINGS UP TO \$225

WEDDING BANDS UP TO \$225

BRACEETS UP TO \$2500

WATCH CASES UP TO \$3000

NECKLACES UP TO \$5,500

CHARMS UP TO \$1,500

BRING IN ALL BROKEN CHAINS

DENTAL AND SCRAP GOLD

FOR CASH OFFER!!!

CASH FOR GOLD AND SILVER COINS

1000 U.S. GOLD \$100-\$1000

5000 U.S. GOLD \$75-\$1000

10000 U.S. GOLD \$100-\$6000

50000 U.S. GOLD \$70-\$50000

\$100 U.S. GOLD \$100-\$1000

\$200 U.S. GOLD \$250-\$15000

\$500 HIGH GRADE U.P.C. \$25-\$5000

\$1000 SILVER (1965) U.P.C. \$14,000

SEASIDE JEWELRY 1965 \$10-\$100

\$125 SILVER (PRIORITY 1965) \$100-\$200

CASH FOR RARE COINS

1776 12 CENT BOSTON COIN \$125-\$4,000

1804 BOSTON GOLD COIN \$100-\$1000

1837 INDEPENDENCE COIN \$20-\$80,000

1794 GEORGE WASHINGTON \$75-\$50000

1795 FEDERAL DIME \$50-\$10,000

1835 GEORGE WASHINGTON \$100-\$500

1838 DIME GOLD DIME \$50-\$100

1857 LIBERTY HEAD DIME \$10-\$100

1857 LIBERTY HEAD DIME \$4,000-\$10,000

1870 LIBERTY HEAD DIME \$100-\$1000

1873 U.S. SEATED DIME \$10-\$100

1889 CC. MORGAN \$10-\$100-\$23,000

90% OF SPOT PAID FOR

KRUGERRANDS MAPLE LEAFS
AMERICAN EAGLES (BULLION)

OUT OF THE BOX GOLD STORE

OFFERS A FUN, SAFE & SECURE

WAY TO SELL YOUR GOLD,

SILVER AND PLATINUM ITEMS.

GET PAID ON THE SPOT FOR

YOUR VALUABLES.

ENJOY THE

OUT OF THE BOX EXPERIENCE.

**73-185 HIGHWAY 111 PALM DESERT
(NEXT TO TONY ROMAS)**

OPEN 8A-6P - 7 DAYS A WEEK

866-2-GOLDSHOP 866-2-465378

Across the Valley

coachella:

Parolee suspected of shooting teen to death

BY COLIN ATCH

AND BRIAN MCGILLIVRAY

The Desert Sun

A parolee who was convicted of a 2001 assault with a deadly weapon charge has received a 10-year sentence for his role in the shooting death of a 16-year-old boy in Coachella.

Angela T. Angel, 24, of

1400 N. Main Street in

Coachella on Thursday

pleaded guilty to

manslaughter in the

shooting of 16-year-old

Angel Luis Diaz

after the two argu-

ed at the

1400 block of Main Street in

Coachella on Thursday

afternoons.

The 16-year-old boy was

not identified, a police

spokeswoman said.

On June 24, 2001, according to

the Riverside County District

Attorney's Office,

In April 2001, a parolee when the 2001 shooting happened,

and conviction records were

immediately available," Police

Spokesman Michael Hendren

spoke to the district attorney's

office office.

"We are still investigating the

case, but we have a suspect,"

Hendren said. "We are

not sure if he is guilty or not,

but we are investigating the

case and trying to get to the

bottom of it," he said.

"We don't know exactly

what happened, but we are

investigating the case," he said.

"We are still investigating the

case, but we have a suspect,"

Hendren said. "We are

not sure if he is guilty or not,

but we are investigating the

case and trying to get to the

bottom of it," he said.

"We don't know exactly

what happened, but we are

investigating the case," he said.

"We are still investigating the

case, but we have a suspect,"

Hendren said. "We are

not sure if he is guilty or not,

but we are investigating the

case and trying to get to the

bottom of it," he said.

"We are still investigating the

case, but we have a suspect,"

Hendren said. "We are

not sure if he is guilty or not,

but we are investigating the

case and trying to get to the

bottom of it," he said.

"We are still investigating the

case, but we have a suspect,"

Hendren said. "We are

not sure if he is guilty or not,

but we are investigating the

case and trying to get to the

bottom of it," he said.

"We are still investigating the

case, but we have a suspect,"

Hendren said. "We are

not sure if he is guilty or not,

but we are investigating the

case and trying to get to the

bottom of it," he said.

"We are still investigating the

case, but we have a suspect,"

Hendren said. "We are

not sure if he is guilty or not,

but we are investigating the

case and trying to get to the

bottom of it," he said.

"We are still investigating the

case, but we have a suspect,"

Hendren said. "We are

not sure if he is guilty or not,

but we are investigating the

case and trying to get to the

bottom of it," he said.

"We are still investigating the

case, but we have a suspect,"

Hendren said. "We are

not sure if he is guilty or not,

but we are investigating the

case and trying to get to the

bottom of it," he said.

"We are still investigating the

case, but we have a suspect,"

Hendren said. "We are

not sure if he is guilty or not,

but we are investigating the

case and trying to get to the

bottom of it," he said.

"We are still investigating the

case, but we have a suspect,"

Hendren said. "We are

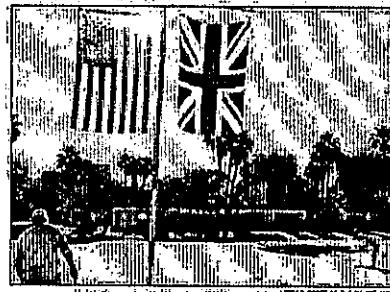
not sure if he is guilty or not,

but we are investigating the

case and trying to get to the

bottom of it," he said.

Croquet, anyone?



Great Britain and the United States will compete for the 2009 Solomons Trophy during a croquet competition at Mission Hills Country Club in Rancho Mirage over the weekend. This is the 16th year of this competition, with the Americans having lost 17 times.

CALNDAR

Saturday

Christmas Eve Holiday Market

10th Ave. & 7th St., Suite 2

Sun., Sun., 10 a.m.-4 p.m.

Desert 71-750 (240)

Annual book fair & craft fair

Anderson, 10 a.m.-4 p.m., Palm

Springs Arts Museum, 245 N.

Grove, 10 a.m.-4 p.m., Palm

Springs Arts Museum, 245 N.

Grove, 10 a.m.-4 p.m., Palm

Springs Arts Museum, 245 N.

Grove, 10 a.m.-4 p.m., Palm

Springs Arts Museum, 245 N.

Grove, 10 a.m.-4 p.m., Palm

Springs Arts Museum, 245 N.

Grove, 10 a.m.-4 p.m., Palm

Springs Arts Museum, 245 N.

Grove, 10 a.m.-4 p.m., Palm

Springs Arts Museum, 245 N.

Grove, 10 a.m.-4 p.m., Palm

Springs Arts Museum, 245 N.

Grove, 10 a.m.-4 p.m., Palm

Springs Arts Museum, 245 N.

Grove, 10 a.m.-4 p.m., Palm

Springs Arts Museum, 245 N.

Grove, 10 a.m.-4 p.m., Palm

Springs Arts Museum, 245 N.

Grove, 10 a.m.-4 p.m., Palm

Springs Arts Museum, 245 N.

Grove, 10 a.m.-4 p.m., Palm

Springs Arts Museum, 245 N.

Grove, 10 a.m.-4 p.m., Palm

Springs Arts Museum, 245 N.

Grove, 10 a.m.-4 p.m., Palm

Springs Arts Museum, 245 N.

Grove, 10 a.m.-4 p.m., Palm

Springs Arts Museum, 245 N.

Grove, 10 a.m.-4 p.m., Palm

Springs Arts Museum, 245 N.

Grove, 10 a.m.-4 p.m., Palm

Springs Arts Museum, 245 N.

Grove, 10 a.m.-4 p.m., Palm

Springs Arts Museum, 245 N.

Grove, 10 a.m.-4 p.m., Palm

Springs Arts Museum, 245 N.

Grove, 10 a.m.-4 p.m., Palm

Springs Arts Museum, 245 N.

Grove, 10 a.m.-4 p.m., Palm

Springs Arts Museum, 245 N.

Grove, 10 a.m.-4 p.m., Palm

Springs Arts Museum, 245 N.

Grove, 10 a.m.-4 p.m., Palm

Springs Arts Museum, 245 N.

Grove, 10 a.m.-4 p.m., Palm

Springs Arts Museum, 245 N.

Grove, 10 a.m.-4 p.m., Palm

Springs Arts Museum, 245 N.

Grove, 10 a.m.-4 p.m., Palm

Springs Arts Museum, 245 N.

Grove, 10 a.m.-4 p.m., Palm

Springs Arts Museum, 245 N.

Grove, 10 a.m.-4 p.m., Palm

Springs Arts Museum, 245 N.

Grove, 10 a.m.-4 p.m., Palm

Springs Arts Museum, 245 N.

Grove, 10 a.m.-4 p.m., Palm

Springs Arts Museum, 245 N.

Grove, 10 a.m.-4 p.m., Palm

Springs Arts Museum, 245 N.

Grove, 10 a.m.-4 p.m., Palm

Springs Arts Museum, 245 N.

Grove, 10 a.m.-4 p.m., Palm

Springs Arts Museum, 245 N.

Grove, 10 a.m.-4 p.m., Palm

Springs Arts Museum, 245 N.

Grove, 10 a.m.-4 p.m., Palm

Springs Arts Museum, 245 N.

Grove, 10 a.m.-4 p.m., Palm

Springs Arts Museum, 245 N.

Grove, 10 a.m.-4 p.m., Palm

Springs Arts Museum, 245 N.

Grove, 10 a.m.-4 p.m., Palm

Springs Arts Museum, 245 N.

Grove, 10 a.m.-4 p.m., Palm

Springs Arts Museum, 245 N.

Grove, 10 a.m.-4 p.m., Palm

Springs Arts Museum, 245 N.

Grove, 10 a.m.-4 p.m., Palm

Springs Arts Museum, 245 N.

Grove, 10 a.m.-4 p.m., Palm

Springs Arts Museum, 245 N.

Grove, 10 a.m.-4 p.m., Palm

Springs Arts Museum, 245 N.

Grove, 10 a.m.-4 p.m., Palm

Springs Arts Museum, 245 N.

Grove, 10 a.m.-4 p.m., Palm

Springs Arts Museum, 245 N.

Grove, 10 a.m.-4 p.m., Palm

Springs Arts Museum, 245 N.

Grove, 10 a.m.-4 p.m., Palm

Springs Arts Museum, 245 N.

Grove, 10 a.m.-4 p.m., Palm

Springs Arts Museum, 245 N.

Grove, 10 a.m.-4 p.m., Palm

Springs Arts Museum, 245 N.

Grove, 10 a.m.-4 p.m., Palm

Springs Arts Museum, 245 N.

Grove, 10 a.m.-4 p.m., Palm

Springs Arts Museum, 245 N.

Grove, 10 a.m.-4 p.m., Palm

Springs Arts Museum, 245 N.

Grove, 10 a.m.-4 p.m., Palm

Springs Arts Museum, 245 N.

Grove, 10 a.m.-4 p.m., Palm

Springs Arts Museum, 245 N.

Grove, 10 a.m.-4 p.m., Palm

Springs Arts Museum, 245 N.

Grove, 10 a.m.-4 p.m., Palm

Springs Arts Museum, 245 N.

Grove, 10 a.m.-4 p.m., Palm

Springs Arts Museum, 245 N.

Grove, 10 a.m.-4 p.m., Palm

Springs Arts Museum, 245 N.

Grove, 10 a.m.-4 p.m., Palm

Springs Arts Museum, 245 N.

Grove, 10 a.m.-4 p.m., Palm

Springs Arts Museum, 245 N.

Grove, 10 a.m.-4 p.m., Palm

Springs Arts Museum, 245 N.

Grove, 10 a.m.-4 p.m., Palm

Springs Arts Museum, 245 N.

Grove, 10 a.m.-4 p.m., Palm

Springs Arts Museum, 245 N.

Grove, 10 a.m.-4 p.m., Palm

Springs Arts Museum, 245 N.

Grove, 10 a.m.-4 p.m., Palm

Springs Arts Museum, 245 N.

Grove, 10 a.m.-4 p.m., Palm

Springs Arts Museum, 245 N.

Grove, 10 a.m.-4 p.m., Palm

Springs Arts Museum, 245 N.

Grove, 10 a.m.-4 p.m., Palm

Springs Arts Museum, 245 N.

Grove, 10 a.m.-4 p.m., Palm

Springs Arts Museum, 245 N.

Grove, 10 a.m.-4 p.m., Palm

Springs Arts Museum, 245 N.

Grove, 10 a.m.-4 p.m., Palm

Springs Arts Museum, 245 N.

Grove, 10 a.m.-4 p.m., Palm

Springs Arts Museum, 245 N.

Grove, 10 a.m.-4 p.m., Palm

Springs Arts Museum, 245 N.

Grove, 10 a.m.-4 p.m., Palm

Springs Arts Museum, 245 N.

Grove, 10 a.m.-4 p.m., Palm

Springs Arts Museum, 245 N.

Grove, 10 a.m.-4 p.m., Palm

Springs Arts Museum, 245 N.

Grove, 10 a.m.-4 p.m., Palm

Springs Arts Museum, 245 N.

Grove, 10 a.m.-4 p.m., Palm

Springs Arts Museum, 245 N.

Grove, 10 a.m.-4 p.m., Palm

Springs Arts Museum, 245 N.

Grove, 10 a.m.-4 p.m., Palm

Springs Arts Museum, 245 N.

Across the valley

THE DESERT SUN | SUNDAY, APRIL 20, 2013 | \$5

palm desert

PARTY FOR THE PLANET

Zoo celebrates Earth Day's 40th with cake, 'green' tips, free plants.

BY COLIN ATAKI

DESPERATELY

People who went to The Living Desert's Earth Day last Saturday to help animals get a boost on preserving the planet they all call home.

"The Palm Desert has held a 'Party for the Planet' celebration for the 40th anniversary of Earth Day,"

"Cakes were served, admission was free in honor of 'contribution' and 'preservation' became the words of the day."

"If you care about the environment, then it makes sense to want to reduce it," the zoo's director said. "An incident" La Quinta resident Eddie Webb, 62, said in the last the zoot with his family Saturday.

"Kids shouldn't witness and make an always happy and healthy," he added.

"The Living Desert's guests came to The Living Desert, showing in regular Saturday attendance and Kimberly Bowers, director of Community Relations."

"Forty visitors — up from 26 last year — offered advice on how to live a green life."

125 local organizations were encouraging people to switch to online banking to reduce the amount of paper used for printing bank statements.

The California Palm Desert Biltmore Club's Palm Desert chapter encouraged visitors to adopt Desert Butterflies.

The Living Desert's Green Team explained its importance in

OUT OF THE BOX

NEWS

Read more good news in the desert online at mydesert.com/goodnews

discard cans from plastic bottles and remove excess fruit from butter.

"It's not just Earth Day, it's every day," Green Team member Lori Regalado said.

The Living Desert has celebrated Earth Day for at least 20 years and will continue to do so in the future, Director Webb said.

"We're a green Earth Day organization" (The result of preservation) is not something that will go away," he said.



WATER IN THE DESERT Sun
Susan Scott of Rancho Mirage examines the mesquino plants.

grown by The Living Desert's Earth Day Party. The plants were given away to encourage people to grow them at home.

GOLD PRICE HITS 2010 RECORD HIGHS

OUT OF THE BOX
ENTERPRISES.COM

GOLD STORE

Top 10 reasons to sell
your Gold, Silver & Platinum to Out of the Box Gold Store

1. Honest — We evaluate your precious metals in front of you
2. Professional appraisers explain the process every step of the way
3. You've been saving all your life
4. Gold is at 2010 highs
5. You deserve a professional, trustworthy partner in your precious metals transaction
6. Cash in with the company you can trust
7. No Games
8. No gimmicks
9. No misleading advertising
10. We will beat any legitimate offer

OUT OF THE BOX
ENTERPRISES.COM

GOLD STORE

has purchased over

\$ 8.1 MILLION

GOLD & SILVER PLATINUM JEWELRY

PLATINUM, GOLD, SILVER, GOLD PAPERS & DIAMONDS

EXCLUSIVELY FROM THE COACHELLA VALLEY

NOW WE EXCEDE 10000000.00 IN PURCHASES

73-185 HIGHWAY 111

PALM DESERT

(NEXT TO TONY ROMA'S)

866-2-GOLDSTORE

866-246-5378

OPEN 10A-MP-7 DAYS A WEEK

LIC#REF# 93001099



Cypress Pointe
Rancho Mirage
Fabulous Vista View Estate
on 1 acre 3BR main house
4 2BR casita 7900 sq. ft.
Designer Furn. \$3,950,000

Thunderbird Heights
Rancho Mirage

Custom 3BR contemporary
main house. 3BR casita. Vinyl
fence. Furn. \$1,775,000

Thunderbird Cove
Rancho Mirage

Asstd! Over 7000 ft. but.
in 1/2 acre. 4BR. Pool & water
features. \$1,500,000

Camino Viejo
Rancho Mirage

Beautiful 3BR remodeled
pool/patio & brick shaded
driveway. \$1,350,000

Carrera Estates
Rancho Mirage

Custom 3BR/3BA. Formal
dining. 3 BR. 3 BA. 3,875,000

Camino Viejo
Rancho Mirage

View Lot 69 AC 3,555,000

Palm Desert C.C.

3 charming, fairway view
homes. \$154,000 to \$225,000

60
Casa Vieja
760-861-9717

Pattie Daily Cards

REAL ESTATE VIEWS

Across the valley

THE DESERT SUN | SUNDAY, JUNE 6, 2010 | B9

ELECTION 2010

City of Coachella residents to vote on new 5 percent Utility Users Tax

BY JEFFREY PENA

The outcome of Coachella's budget measure could either help the city maintain its services or, maximize more taxes.

"It will appear on the ballot for voters in Coachella to decide."

If approved, the measure would impose a 5 percent utility users tax on residents which would appear on utility bills such as electricity, natural gas, water, sewer, telephone, cable and satellite bills, and local and Internet bills small and large.

"A majority of the vote is needed to pass."

If approved, it would generate about \$1.4 million a year. "The first year through early about \$1.1 million because it will

take a few months for utilities to begin collecting."

The additional revenue would help the city balance its budget in changes.

The city projects a general fund budget deficit for next fiscal year of up to \$3 million.

"It depends on what the voters decide or if the city will have to lay off employees and furlough staff," said Carmen Mendoza, spokeswoman for City Hall for a Safer Coachella.

That include layoffs, early retirements and furloughs based on the city's financial needs for this year's budget.

Marinique's plan has been promoting the measure in the hopes that it passes this year.

Coachella voters rejected a proposed tax in November by 59

percent of the voters to utility users to begin collecting.

The additional revenue would help the city balance its budget in changes.

The city projects a general fund budget deficit for next fiscal year of up to \$3 million.

"It depends on what the voters decide or if the city will have to lay off employees and furlough staff," said Carmen Mendoza, spokeswoman for City Hall for a Safer Coachella.

That include layoffs, early

retirements and furloughs based on the city's financial needs for this year's budget.

Marinique's plan has been promoting the measure in the hopes that it passes this year.

Coachella voters rejected a proposed tax in November by 59

✓ Election coverage

Be sure to check out **Implementation Tuesday** for news, analysis and coverage that most affect the Coachella Valley.

Implementation Tuesday will be created to review the received and expenditures from the new tax.

An annual independent audit of the tax collection and its use will also be done.

The tax money would be spent on infrastructure projects which include services such as: parks, fire, public works, streets, parks, youth and senior programs, health and safety, community development and park improvements.

"It's important to maintain the services," Marinique said.

Implementation Tuesday will be created to review the received and expenditures from the new tax.

An annual independent audit of the tax collection and its use will also be done.

The tax money would be spent on infrastructure projects which include services such as: parks, fire, public works, streets, parks, youth and senior programs, health and safety, community development and park improvements.

"It's important to maintain the services," Marinique said.

STATEHOUSE: GOP sets watch for party time

Continued from B1

13 state legislators representing the Coachella Valley in the budget vote.

"Of course, after Tuesday's election to fill the 37th Senate vacancy, you change that last line to four."

Recently signed.

The governor on Wednesday signed into law Senate Bill 106, which prohibits convicted violent felons from buying or owning any gun or gun-related items.

The legislation, which took effect immediately, was authored by Democratic Sen. Alex Padilla. The principal author was Assemblyman V. Manuel Pérez, a Coachella Democrat.

On the radio

Speaking of Pérez, he has signed the Spanish version of the week's Democratic weekly address, which focused on protecting higher education funds.

The English version was done by Democratic Assemblyman Maryna Black of San Diego.

Partying till dawn

Candidates across California are planning what they hope will be a happy party for Tuesday night.

But perhaps the unsmiling party planners are the members of the California Republican Party, who have celebrated Tuesday night and again Wednesday night.

This week's grants.

If the GOP wins big, officials can keep庆祝 it. If they lose big, they're gonna have a hangover.

overheard

Assembly Concurrent Resolution 109 — which returns part of state Highway 24 to the city of the San Jacinto Valley — was officially chaptered last week.

Supervisor Ray White was a personal friend and dedicated public servant," the resolution's author, Assemblywoman Brian Hernandez, said in a statement.

"It is a commitment to serving the residents of the Coachella Valley was widely recognized throughout the valley and will be forever intertwined with this special highway designation."

See file & a copy by The Desert for who who wins the party political battle comes. Send your news to jeffrey.pena@desertsun.com.

Crime tips

Crime Stoppers is a nonprofit organization that gives cash rewards to individuals who help solve the arrest of crime suspects. The program is run by volunteers. Informants remain anonymous. (800) 347-7880.

ECONOMIC INDEX: Valley on cusp of recovery?

Continued from B1

and non-profit agencies, giving

now, home development shows signs of life. And the auto industry, a harbinger

of economic recovery, has

recovered. Consumer unem

ployment fell nearly 1 per

centage point in April to 14.3

percent.

"We are seeing improve

ment up the road," said

David Lyle, president of

the Coachella Valley Busi

ness Association.

But, for now, the valley's

businesses are working hard

to reach 100.

During enforcement events

that continue in Palm Desert

every Friday, police

will arrest and jail those stop

in the second half of 2010.

"The job market is still

languishing, and the land

and home prices continue to

fall," Lyle said.

Who handles these stops and brings a news story to an editor's

attention, call (760) 778-4222 or send an e-mail to:

jeffrey.pena@desertsun.com

GOLD HITS \$1200 PER OUNCE

DON'T MISS THE

OUT OF THE BOX
ENTERPRISES.COM

GOLDEN GOLD STORE

OPPORTUNITY EVENT

Out of The Box Gold Store is the Valley's Premiere Precious Metals Dealer. They will pay you top dollar for your gold, silver and platinum jewelry in any condition. Plus for every piece of unwanted jewelry you sell, Out of the Box Gold Store will donate 10% to the charity of your choice. Do you have sterling silver flatware and tea sets? Maybe old or rare coins & coin collections? Gold and silver coins? The price of gold is at historic highs! Now is the time to sell to someone you trust...Out of the Box Gold Store!

Editor: Vicki Calwood
The Valley News

OUT OF THE BOX
ENTERPRISES.COM

GOLD STORE

has purchased over

\$3.3 MILLION in

GOLD, SILVER, PLATINUM JEWELRY
RARE COINS, COIN COLLECTIONS, GOLD WATCHES & DIAMONDS
EXCLUSIVELY FROM THE COACHELLA VALLEY

NOW we extend a personal invitation to you!

OPEN 10A-6P
7 DAYS A WEEK

866-2-GOLDSHOP **866-246-5378**

73-185 HIGHWAY 111 — PALM DESERT (NEXT TO TONY ROMAS)

India

Cantor sees science, religion as complementary

By K. KAUFMAN

TALKING WITH MARINA FINE is a bit like watching a tennis match.

The Indo-Indian — who teaches science at Coachella Valley High School and is also a Jewish cantor — can transition between two worlds with fluid and fluid grace, and she has some impressive cross-court moves.

"As a scientist you have to study the details of the world. How things work and I think as a Jewish cantor you have to sing," she said. "We're talking about the details of text and the details of the world. You're analyzing God's world."

Fine's particular combination of science and faith seems to be working for her and her students.

"I've just ended my second year at Coachella Valley High, where, despite her middle name, she is already teaching advanced

physics, said former physics teacher Arnold Jacobs, who retired in 1998.

"She is an outstanding teacher," Arnold said. "I check that any time you can get a person who is well-rounded, you're going to get a fine teacher."

Fine also spent the past year participating in a teaching fellowship program sponsored by the National Science Teachers Association, getting special training and an introduction to a range of teaching methods.

In the fall, she will be returning to India to sing at the Agam Kirtan Foundation, a non-profit charity class with more than 20 students already signed up, she said.

In the meantime, she is in Florida, taking a three-week seminar on teaching physics.

"It's all about learning physics by doing physics," she said in a phone interview. "When you teach formulas, you learn how to plug in numbers. Here you develop the first."

What is a cantor?

In the Jewish religion, a cantor is a person who leads the congregation in prayer, often chanting the Hebrew prayers in ritual measures.

Rabbi by education, she's particularly drawn to teachers, to students, to money tools, for advice and emotional support, although they often lead services and share prayers.

While Reform Judaism, the more liberal arm of the religion, permits women rabbis and cantors in the 1970s, the Jewish Theological Seminary, the main school for Conservative rabbis and cantors, did not start ordaining women until the 1980s. It was 1990 that Conservative Judaism of America allowed Conservative women to become rabbis.

It's a matter of traditional Jewish law, said Marina Fine of India, who was ordained by the Jewish Theological Seminary, and now serves as cantor at the Reform Temple Congregation in Palm Desert.

"In order to pray for the community, you need to have the same background as the people, and if the people are men, the women don't have those obligations — they're here with the children — they can't pray for the community," she said.

"The way the Conservative women world around it (was) that the women could choose to accept them (teachmen) and then they could become rabbis."

Marina Fine, Werner Weiden, interview



Marina Fine, Werner Weiden, interview

Cantor Marina Fine of India in Palm Desert last month. Max S. Shulman photo

She is also a physics teacher at Coachella Valley High School.

Marina Fine, Werner Weiden, interview

GOLD HITS \$1200 PER OUNCE

DON'T MISS THE

GOLDEN GOLD STORE

OPPORTUNITY EVENT

OUT OF THE BOX ENTERPRISES.COM

Public Daily Glimpse

Valley News

OUT OF THE BOX

GOLD STORE

has purchased over

\$8.3 MILLION

in GOLD, SILVER, PLATINUM JEWELRY
RARE COINS, COIN COLLECTIONS, GOLD WATCHES & DIAMONDS

EXCLUSIVELY FROM THE COACHELLA VALLEY

NOW we extend a personal invitation to you!

OPEN 10A-6P
866-2-GOLDSTORE
7 DAYS A WEEK
866-246-5378
73-185 HIGHWAY 111 -- PALM DESERT (NEXT TO TONY ROMAS)

support, and I was teaching areas of science I had never studied myself," she said.

So after a stint in the music business, Fine went back to school — at the Jewish Theological Seminary in New York — to become a rabbi, eventually landing a position in Northern California.

And again, she realized she was miserable.

"A lot of people are really active in synagogues for the wrong reasons, and I just got out of that," she said. "I think that's what I was really dealing with in California — that were dealing with unimportant things that got people all riled up."

Fine left the synagogue and moved to the Coachella Valley to be near her parents, who had moved there and with her biological clock ticking, became a single mother.

Supporting her son, Max, meant finding a job — fast — and she decided to go back to teaching.

She landed a position at Indio High School and then got a tip from a friend, applied to the Coachella Valley Unified School District, which at the time, she said, she didn't even know existed.

"It was the end of the earth," she said of her first interview with Coachella Valley Unified. "I had no idea where I was, and it was a little scary."

Learning to 'sing'

But she had an instant connection with Aronson, whose son had recently been born, and she was forced to convert to Catholicism during the Spanish Inquisition in the late 1400s, but continued to practice their religion in secret.

"The word itself 'messia' is someone who sings or will sing it in Spanish," he said. "To be a cantor, you have to highly educated, you have to be highly sensitive."

Her return to the pulpit at the Our Lady of the Angels in Palm Desert is still through a teaching job, but her desire to sing remains.

"In the Jewish religion, we take the view that God created the world, and we want to know more about it to help benefit humanity and help enhance life for people," said Rabbi Richard Zorn, 51. "The being in which we do that is part of that effort and she is doing something we see very favorably."

While she does not believe in theories of "intelligent design" — which hold that religious spiritualism is the best explanation for the universe's design — she says her love of science continues to inform her religion and vice versa.

"Zionism, he was a believer in God, probably one of the most logical people I know," said Zorn, 51, referring to the Biblical text in the New Testament that speaks of Moses through a bush that is burning but not consumed by the fire.

"How long would Moses have to be looking at a bush to realize it's not gonna burn him? God created the universe and then placed us in it. He waited for someone who was receptive. You can't have a conversation with God, you can't know that relationship until you take the time to look for it."

© Kaufman covers Palm Desert for The Desert Sun. She can be reached at kkaufman@desertsun.com.

BUDGET: Hundreds of jobs to be phased out

(Continued from B1)

The county is cutting 357 million in reserves and slashing expenditures by \$71 million to close the structural budget deficit. In the process, the county will lose 1,000 jobs, officials said.

Under a two-year cost-cutting plan that began in 2008, the county has reduced spending by 15 percent, according to the Executive Office. The new fiscal year begins Aug. 1, though the budget is 11 percent less than the 2009-10 plan.

Through attrition, only 10

percent and terminations, about 1,000 county positions have been eliminated since June 2009, county officials said.

According to county Human Resources, 1,000 positions have been cut. Of those, 720 were eliminated in June 2009, and 460 people have received pink slips since last year.

Several hundred additional county employees are expected to be phased out in the coming year, according to the Executive Office.

"Looking ahead, department

heads are expected to propose spending to prevent any additional demand on the general fund," said a statement. "That is why we are proposing to eliminate 1,000 positions, including permanent employees, over the next two years, in addition to personnel of other departments at risk."

The county's current pool is \$231 million, compared to \$249 million three years ago, a 4.7 percent drop — a result of the budget cuts, county officials said.

"Inconveniences are bound to crop up this year in 2009," he told the Executive Office.

"Employees have options in

event the state withdraws mon-

ies, including moving abroad.

The county budget reflects more than \$1 billion in savings from the state, including property taxes, the state and federal governments, service fees and permits and licenses.

"This is one of the earliest and most transparent budgets we have done," said Arden Henshaw, county manager.

County resources are the funding

for county services, he said.

"Thanks to the budget work-

shops and discussions, I think

issues have been addressed in

greater detail than in previous

years," he said.

He said the county's

employees have options in

paying their bills in the years

COMMUNITY CALENDAR

today:

Sunday: Bicycle Ride for the Arts at 7 a.m.; Starbucks parking lot at the Ranch, Meersburg; 10 a.m.-4 p.m.; 420 North Palm Desert, (760) 778-3591; Bridge lessons, 9 a.m.; Cathedral Center, 37171 W. Buddy Rogers Ave., Cathedral City (760) 321-1548; Second Saturday, with all events and live performances, 10 a.m.-5 p.m., Palm Springs Art Museum, 101 Museum Drive, Palm Springs (760) 325-4800; Cathedral Center, 37171 W. Buddy Rogers Ave., Cathedral City (760) 321-1548

monday:

Open air basketball, 7:30 p.m.; Jim Allen Day, President Gold R. Field Room & Gift Club of La Quinta (951) 564-5555; University Model airplane club, 7 p.m.; La Quinta Senior Center, 480 S. Sunrisa Way, Palm Springs (800) 879-4884; Lawn bowling, 8:30 a.m.; Joslyn Center, 73-750 Cathedral, Palm Desert, 93179-340-3220; Gold Mine Village, 700 E. Tahquitz Canyon Way, Idyllwild, (760) 475-7700; Women or business guest speaker, 10 a.m.; Meersburg, presenting a lecture on animal shelters, 10 a.m.; Meersburg Senior Center, 480 S. Sunrisa Way, Palm Springs (760) 322-5548; Ring with friends, benefiting Meersburg Senior Center, 10 a.m.; Senior Center, 480 S. Sunrisa Way, Palm Springs 15-58; (760) 322-5548; Book room, Cathedral Center, 37171 W. Buddy Rogers Ave., Cathedral City, (760) 321-1548; Duplicate bridge, 1 p.m.; Joslyn Center, 73-750 Cathedral, Palm Desert (760) 833-2705; Duplicate bridge, 1 p.m.; Cathedral Center, 37171 W. Buddy Rogers Ave., Cathedral City (760) 321-1548; Pinochle, 1 p.m.; Golden Rainbow Center, 2001 E. Tahquitz Canyon Way, Palm Desert (760) 321-3700; Table tennis, 5-6 p.m.; Joslyn Center, 73-750 Cathedral, Palm Desert, 521 (760) 568-2262; Outlets Anonymous meeting, Monday, 6 p.m.; on bank, 22-260 Highway 111, Palm Desert (760) 341-0585; Outlets Anonymous support group meeting, Saturday, 10 a.m.; La Quinta, 14000 E. La Quinta Way, Suite 1, John Springs (760) 466-7700; Adult Children, Alcoholics anonymous, 7 a.m.; Golden Rainbow Center, 700 E. Tahquitz Canyon Way, Suite 1, John Springs (760) 992-1122; GSA support group, Friday, 6 p.m.; La Quinta, 14000 E. La Quinta Way, Suite 1, John Springs (760) 992-1122; AA for women, men and adolescents with emotional, drug and alcohol problems, 7 p.m.; Old Town, 22-840; Silver City, Palm Springs (951) 534-0500

tuesday:

Chair yoga, Golden Rainbow Center, 14000 E. La Quinta Way, Suite 1, John Springs (760) 992-7790; Walkabout camp, 8:30 a.m.; La Quinta Senior Center, 37171 W. Buddy Rogers Ave., Cathedral City (760) 321-1548

Vega for health, 8:30 a.m.; Joslyn Center, 73-750 Cathedral, Palm Desert, 571 (760) 320-3220; Same information at desertsun.com



Denny's

Real breakfast 24/7.

AT THESE PARTICIPATING LOCATIONS ONLY

PALM SPRINGS (760) 255-9519
CATHEDRAL CITY (760) 328-8787
INDIO (760) 342-4114
PALM DESERT (760) 246-3319

\$5.00 OFF
ANY CHECK OVER \$15
Spend \$15 or more
and get \$5.00 off
your entire check

20% OFF
ANY CHECK OVER \$15
Spend \$15 or more
and get 20% off
your entire check

**Buy One Entree,
Get One Free**
OF EQUAL OR LESSER VALUE
(With purchase of 2 beverages)

GOLD HITS \$1200 PER OUNCE

DON'T MISS THE

OUT OF THE BOX ENTERPRISES.COM

GOLDEN GOLD STORE OPPORTUNITY EVENT

Out of The Box Gold Store is the Valley's Premiere Precious Metals Dealer. They will pay you top dollar for your gold, silver and platinum jewelry in any condition. Plus for every piece of unwanted jewelry you sell, Out of the Box Gold Store will donate 10% to the charity of your choice. Do you have sterling silver flatware and tea sets? Maybe old or rare coins & coin collections? Gold and silver coins?

The price of gold is at historic highs! Now is the time to sell to someone you trust...Out of the Box Gold Store

Ridie Rily, Cathie
Valley News

has purchased over

\$8.3 MILLION in
GOLD, SILVER, PLATINUM JEWELRY
RARE COINS, COIN COLLECTIONS, GOLD WATCHES & DIAMONDS
EXCLUSIVELY FROM THE COACHELLA VALLEY
NOW we extend a personal invitation to you!

OPEN 10A-6P
866-2-GOLDSTORE
7 DAYS A WEEK
73-185 HIGHWAY 111 PALM DESERT (NEXT TO TONY ROMAS)

Across the valley

THE DESERT SUN | MONDAY, SEPTEMBER 6, 2010 | B7

coachella valley

Proportion of Hispanic kindergartners on the rise

BY HAYA EL MASSER
AND PAUL OEVERSON
USA TODAY

The kindergarten class of 2010-11 is less white, less black, more Asian and much more Hispanic than its much earlier (1990-91) counterpart, reflecting the nation's rapid and ethnic transformation.

The profile of the 4 million children starting kindergarten reveals the startling changes the USA has undergone: The past decade has offered a glimmer of hope to many families, for example, about one out of four 5-year-olds will be Hispanic. Most of today's kindergartners will graduate from high school in 2023.

Of the Coachella Valley's kindergartners, 49 percent are Hispanic, up from 44 percent in 1990. Palm Springs Unified's kindergartners enrollment mostly mirrors the statewide trend.

Student profile, however, said Christine Anderson, assistant superintendent of educational services.

"The little children as they come, and we educate them, the kids."

"(Education) is not educationally relevant," Anderson said, adding that an awareness of the community's diversity is important for a student. "What's educationally relevant is if we have a child who's not speaking English."

These two factors are not necessarily connected, she said.

The percentage of Hispanic kindergartners in Palm Springs Unified has grown to about 41 percent, up from 38 percent from 2000 to 2009.

The percentage of English learners in all elementary grades increased by about 3 percentage points in the same time period.

More Hispanic children are likely in the next generation because the number of Hispanic girls entering childbearing years is up more than 30 percent this decade, says Kenneth Johnson, demographer at the University

of New Hampshire. "Everyone else, it's 10% to 12% beginning."

A USA Today/Demographic Study analysis of the most recent government data shows:

■ Hispanic kids are growing, a big jump from 18 percent in 2003. Hispanics are the largest minority in the USA, with over 31 percent in CNUSD and about 31 percent in PSUSD.

■ Palm Springs Unified has similar changes, with the percentage of Hispanic kindergartners increasing from 40 percent in 2000 to 43.3 percent in 2009.

Desert Sands Unified and Coachella Valley Unified both saw a slight dip in the percentage of Hispanic kindergartners: CNUSD fell from 24 percent to about 14 percent, and PSUSD dropped from about 31 percent to about 28 percent.

The percentage of white kindergartners fell from 59 percent in 2000 to about 45 percent in the same time period.

In Coachella Valley, Chino Hills, the under-50 population was born 50.2 percent white in 2000.

The percentage of black students stayed about the same during the last decade. In all three school districts, the percentage of black students fell from about 0.3 percent in CNUSD to over 0.2 percent in PSUSD and about 0.1 percent in PSUSD.

■ Palm Springs Unified and Desert Sands Unified both reported a decrease in the percentage of non-Hispanic white students from 2000 to 2009.

CNUSD dropped from about 24 percent to about 14 percent, and PSUSD dropped from about 31 percent to about 28 percent.

The percentage of minority children is growing faster in the suburbs and in rural areas, according to the report.

In Coachella Valley, Chino Hills, the under-50 population was born 50.2 percent white in 2000.

The percentage of black students stayed about the same during the last decade. In all three school districts, the percentage of black students fell from about 0.3 percent in CNUSD to over 0.2 percent in PSUSD and about 0.1 percent in PSUSD.

■ Palm Springs Unified and Desert Sands Unified both reported a decrease in the percentage of non-Hispanic white students from 2000 to 2009.

CNUSD dropped from about 24 percent to about 14 percent, and PSUSD dropped from about 31 percent to about 28 percent.

The percentage of minority children is growing faster in the suburbs and in rural areas, according to the report.

laison justice center

Jury to be chosen in reported gang shooting

By HAYA EL MASSER
The shooting is set to begin Tuesday at 10 a.m. in the trial of Daniel Karbo, a reputed gang member accused of shooting a rival in July 2008 in Thousand Palms.

Karbo, of Palm Desert, is accused of fatally shooting John Collier, 23, of Cathedral City in July 2008.

"On July 15, 2008, Karbo was arrested in Texas on suspicion of felony weapons charges related to the murder," the DA said.

He has been extradited to California.

According to the Riverside County Sheriff's Office website, Karbo has had numerous run-ins with authorities.

He was accused of two counts of murder in 2002, and had been in custody in 1998 and 2002.

Arriving on sheriff's officials, Collier was found at 1:45 a.m. in the 73-000 block of Del Norte, May, by deputies responding to a call of a assault with a deadly weapon.

Officers on the scene found Collier outside a home suffering from several gunshot wounds.

Paramedics rushed him to Desert Regional Medical Center, where he died at 3:15 a.m. City News Service contributed to this report.

Blood donations

■ Community Blood Bank's Cancer Facility, 39-000 Bob Hope Drive in Rancho Mirage, 8 a.m. to 4 p.m. Mon.-Thurs., 7:30 a.m.-2:30 p.m. Sat.; (760) 773-4790.

■ The Community Blood Bank facility at 46-100 Rubidoux St. in Indio, 8 a.m.-4 p.m. Mon.-Thurs., and 7 a.m.-2 p.m. Sat.; (760) 863-5377.

■ Community Blood Bank's Bloodmobile regularly visits the following locations: Indio, Shopping Center, 14-011 Palm Drive, Desert Hot Springs, 2:30-6:30 p.m. the first Sat. of the month; Palm Springs Shopping Center, 300 S. Palm Canyon Drive, 2-6 p.m. Mondays, and the Town Center Mall, 57-725 Tamarind Park, Fridays, 10 a.m.-4 p.m.; (866) 507-5423.

■ LifeStream La Quinta Donor Center Facility, 79-215 Coachella Valley Hwy., La Quinta, Monday 11 a.m.-7 p.m. Tues. and Thurs. 9 a.m.-5 p.m. Wed., Fri., Sat.; closed Sun. and Mon. To give blood, a person must be at least 17 years old (16 with a parent's or guardian's consent) and weigh at least 110 pounds, be in good health and be free of antibiotics for at least two weeks. Donors can find out about eligibility requirements at (760) 777-8844.

GOLD HITS \$1200 PER OUNCE

DON'T MISS THE GOLDEN GOLD STORE OUT OF THE BOX OPPORTUNITY EVENT

Out of The Box Gold Store is the Valley's Premiere Precious Metals Dealer. They will pay you top dollar for your gold, silver and platinum jewelry in any condition. Plus for every piece of unwanted jewelry you sell, Out of The Box Gold Store will donate 10% to the charity of your choice. Do you have sterling silver flatware and tea sets? Maybe old or rare coins & coin collections? Gold and silver coins?

The price of gold is at historic highs! Now is the time to sell to someone you trust...Out of the Box Gold Store!

Palm Desert
Coachella
New Valley News

**OUT OF THE BOX
ENTERPRISES.COM**
GOLD STORE
has purchased over
\$8.3 MILLION in
GOLD, SILVER, PLATINUM JEWELRY
RARE COINS, COIN COLLECTIONS, GOLD WATCHES & DIAMONDS
EXCLUSIVELY FROM THE COACHELLA VALLEY
NOW we extend a personal invitation to you!

**OPEN 10A-6P
7 DAYS A WEEK**
866-2-GOLDSTORE **866-246-5378**
73-185 HIGHWAY 111 - PALM DESERT (NEXT TO TONY ROMAS)

Across the Valley

COMMUNITY CALENDAR

today

Children's Story Time at the Museum, 10 a.m., La Quinta Museum, 77500 Avenida de la Reina, La Quinta (760) 777-3770.

Hispanic Heritage Film screening, "American Mo," 10 a.m.-1:30 p.m., Tercero, 12500 E. Baseline, Suite 254, Indio, Rancho Mirage (760) 328-8252.

thursday

Royal Palms dance, 7 p.m., 2000 E. Baseline, Indio, Palm Cathedral City (760) 325-4401.

A Walk With Great Presidents

an interactive educational

program, 10 a.m., La Quinta

Museum, 93450 La Quinta

Cathedral City (760) 328-3471 or www.fernstratos.com.

Lupus support group, 7 a.m., Anenberg Center for Health Sciences, 24000 Calle Verde, 92300, Indio, Rancho Mirage (760) 565-2334 or (760) 324-2001.

Legal aid services, 1-3 p.m., Cathedral Center, 3701 W. Baseline, Palm Desert, Cathedral City (760) 321-2541.

Obesity support group,

1:30 p.m., Envirotree Lucy Card

Cancer Center, 39000 Bob

Adams, Palm Desert, (760) 773-9991.

Stroke support group,

3:30 p.m., Ahrenberg Center for

Health Sciences of Palm Springs

9000 Bob Adams, Palm Desert (760) 565-0234.

Contemporary art and culture

hair models party, featuring art

by Cooper and Campbell,

6-9 p.m., DCC Salon, 3880 E

Paseo, Palm Desert, (760) 776-9911.

Global Lens Fall Film, featuring

the 2009 film from Vietnam

"Achi," 6 p.m., Palm Springs

Art Museum, 24000 Calle Verde,

Indio, Palm Springs, (760) 322-4000 or www.psmuseum.org.

Friday

Palm Springs Writers Press

Club luncheon, featuring

writers Dorothy Dale Kloss

and Matt Prentiss, 11 a.m.,

Desert Falls Country Club, 1111

Desert Falls, Palm Desert, (760) 325-5773.

Desert Naupahravi support

group, 1:30 p.m., Merrill Senior

Center, 4203 S. Sunriver Way,

Indio, (760) 322-4400 or www.desernar.org.

Business expo, moderated by

Tom Deser, Chairman of the

Coastal Business Council, Fantasy

Strip, Desert Casino, 84245

India Springs Parkway, Indio, (760) 345-6701.

Old Schoolhouse Lecture Series

with David L. Mizejewski on the

California Desert Protection Act

of 2010, 7 p.m., OCN

Schindlerhouse Museum, 6700

Naconi Park Drive, Twentynine

Palms 85, (760) 367-5315.

saturday

Fourth annual Paint El Paseo

pink walk, benefits Desert

Color Foundation, 8:30 a.m.

The Galleria, 1111 E. El Paseo

El Paseo, Palm Desert, (760) 321-0554 or www.desertcolorfoundation.org.

15th annual Desert Garden

Concerts, 9 a.m.-4 p.m., Palm

Desert Foundation, 22559 Highway 111,

Palm Desert, (760) 325-5216 or www.desertfoundation.org.

Salisbury Outlets Market,

holiday shopping, 10 a.m.-

jewelry, collectibles and food

concessions, 9 a.m.-4 p.m.,

Canyon Plaza South, 67551

Highway 111, Sun Palm Canyon

Drive, Cathedral City (760) 323-9309.

Art Under the Umbrella,

Nursing 70 artists, 10:30 a.m.,

Parus Music, 10 a.m.-4 p.m.,

10111 E. El Paseo, Indio, (760)

345-0611, or www.artundertheumbrella.com.

Third and fourth seminar, 10

a.m., It's in the Bag, 72363

Highway 111, Palm Desert, (760)

348-4100.

10th annual Fall Fashion Show,

models by Couture Kain,

Shoe and Lucy's Grand Ivory,

1 p.m., El Paseo Village, Southwest

parking lot between Sun Paseo &

Lucy's, (760) 322-4400 or www.thethreesixes.com.

Phoenix Suns vs. Dallas

Marlboro pressbox NBA

game, 8:30 p.m., Indian Wells

Arena, 1000 E. Indian Wells

Ave., Indian Wells, \$30-\$100,

(800) 462-7949 or www.suns.com/denver.

joshua tree national park

BY JACOB ADELMAN

THE DESERT SUN

A 64-year-old man, stranded for days in the desert, was found dead Saturday after being rescued by a small plane and flying only to follow the shade.

Edward Rosenthal said he couldn't

see when a helicopter rescue crew found him last Thursday.

"He had a head injury and a broken

hand, but he was

conscious when he was found,"

Rosenthal said. "He was

conscious when he was found,"

he said. "He was

conscious when he was found,"

he said. "He was

conscious when he was found,"

he said. "He was

conscious when he was found,"

he said. "He was

conscious when he was found,"

he said. "He was

conscious when he was found,"

he said. "He was

conscious when he was found,"

he said. "He was

conscious when he was found,"

he said. "He was

conscious when he was found,"

he said. "He was

conscious when he was found,"

he said. "He was

conscious when he was found,"

he said. "He was

conscious when he was found,"

he said. "He was

conscious when he was found,"

he said. "He was

conscious when he was found,"

he said. "He was

conscious when he was found,"

he said. "He was

conscious when he was found,"

he said. "He was

conscious when he was found,"

he said. "He was

conscious when he was found,"

he said. "He was

conscious when he was found,"

he said. "He was

conscious when he was found,"

he said. "He was

conscious when he was found,"

he said. "He was

conscious when he was found,"

he said. "He was

conscious when he was found,"

he said. "He was

conscious when he was found,"

he said. "He was

conscious when he was found,"

he said. "He was

conscious when he was found,"

he said. "He was

conscious when he was found,"

he said. "He was

conscious when he was found,"

he said. "He was

conscious when he was found,"

he said. "He was

conscious when he was found,"

he said. "He was

conscious when he was found,"

he said. "He was

conscious when he was found,"

he said. "He was

conscious when he was found,"

he said. "He was

conscious when he was found,"

he said. "He was

conscious when he was found,"

he said. "He was

conscious when he was found,"

he said. "He was

conscious when he was found,"

he said. "He was

conscious when he was found,"

he said. "He was

conscious when he was found,"

he said. "He was

conscious when he was found,"

he said. "He was

conscious when he was found,"

he said. "He was

conscious when he was found,"

he said. "He was

conscious when he was found,"

he said. "He was

conscious when he was found,"

he said. "He was

conscious when he was found,"

he said. "He was

conscious when he was found,"

he said. "He was

conscious when he was found,"

he said. "He was

conscious when he was found,"

he said. "He was

conscious when he was found,"

he said. "He was

conscious when he was found,"

he said. "He was

conscious when he was found,"

he said. "He was

conscious when he was found,"

he said. "He was

conscious when he was found,"

he said. "He was

conscious when he was found,"

he said. "He was

conscious when he was found,"

he said. "He was

conscious when he was found,"

he said. "He was

conscious when he was found,"

he said. "He was

conscious when he was found,"

he said. "He was

conscious when he was found,"

he said. "He was

conscious when he was found,"

he said. "He was

conscious when he was found,"

he said. "He was

conscious when he was found,"

he said. "He was

conscious when he was found,"

he said. "He was

conscious when he was found,"

he said. "He was

conscious when he was found,"

he said. "He was

conscious when he was found,"

he said. "He was

conscious when he was found,"

he said. "He was

conscious when he was found,"

he said. "He was

conscious when he was found,"

he said. "He was

conscious when he was found,"

he said. "He was

conscious when he was found,"

he said. "He was

conscious when he was found,"

he said. "He was

conscious when he was found,"

he said. "He was

conscious when he was found,"

he said. "He was

conscious when he was found,"

he said. "He was

conscious when he was found,"

he said. "He was

conscious when he was found,"

he said. "He was

conscious when he was found,"

he said. "He was

conscious when he was found,"

he said. "He was

conscious when he was found,"

he said. "He was

I. (a) PLAINTIFFS (Check box if you are representing yourself)

El Paseo Jewelry, Inc., a California corporation

DEFENDANTS (Check box if you are representing yourself)

(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same information.)
 Law Offices of Emma D. Enríquez (225059)
 505 N. Arrowhead Avenue, Ste. 510, San Bernardino, California 92401
 emma@emmaenriquez.com
 (909) 206-1246 (phone and facsimile)

(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same information.)

II. BASIS OF JURISDICTION (Place an X in one box only.)

 1. U.S. Government Plaintiff 3. Federal Question (U.S. Government Not a Party) 2. U.S. Government Defendant 4. Diversity (Indicate Citizenship of Parties in Item III)III. CITIZENSHIP OF PRINCIPAL PARTIES-For Diversity Cases Only
(Place an X in one box for plaintiff and one for defendant)

PTF	DEF	PTF	DEF
<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4 <input type="checkbox"/> 4
<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5 <input type="checkbox"/> 5
<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6 <input type="checkbox"/> 6

IV. ORIGIN (Place an X in one box only.)

1. Original Proceeding 2. Removed from State Court 3. Remanded from Appellate Court 4. Reinstated or Reopened 5. Transferred from Another District (Specify) 6. Multi-District Litigation

V. REQUESTED IN COMPLAINT: JURY DEMAND: Yes No (Check "Yes" only if demanded in complaint.)CLASS ACTION under F.R.Cv.P. 23: Yes No MONEY DEMANDED IN COMPLAINT: \$ unknown

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

False advertising suit brought under 15 USD 1125(a); Cal. Bus. & Prof. Code 17500, 17505; Cal. Bus. & Prof. Code 17200. Plaintiff seeks damages, disgorgement, and injunctive relief.

VII. NATURE OF SUIT (Place an X in one box only).

OTHER STATUTES	CONTRACT	REAL PROPERTY	CIVIL RIGHTS	IMMIGRATION	PRISONER PETITIONS	PROPERTY RIGHTS
<input type="checkbox"/> 375 False Claims Act	<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 462 Naturalization Application	<input type="checkbox"/> 463 Alien Detainee	<input type="checkbox"/> 820 Copyrights	
<input type="checkbox"/> 400 State Reapportionment	<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 830 Patent	
<input type="checkbox"/> 410 Antitrust	<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 6 TORTS	<input type="checkbox"/> 530 General	<input type="checkbox"/> 840 Trademark	
<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 861 HIA (1395ff)	
<input type="checkbox"/> 450 Commerce/ICC Rates/Etc.	<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 540 Mandamus/Other	<input type="checkbox"/> 862 Black Lung (923)	
<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Vet.)	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 863 DIWC/DIWW (405 (g))	
<input type="checkbox"/> 470 Racketeer Influenced & Corrupt Org.	<input type="checkbox"/> 153 Recovery of Overpayment of Vet. Benefits	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 864 SSID Title XVI	
<input type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 330 Fed. Employers' Liability	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 560 Civil Detainee Conditions of Confinement	<input type="checkbox"/> 865 RSI (405 (g))	
<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 161 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 625 Drug Related	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	
<input type="checkbox"/> 850 Securities/Commodities/Exchange	<input type="checkbox"/> 162 Recovery of Defaulted Student Loan (Excl. Vet.)	<input type="checkbox"/> 350 Motor Vehicle Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 626 Seizure of Property 21 USC 881	<input type="checkbox"/> 871 IRS-Third Party 26 USC 7609	
<input checked="" type="checkbox"/> 890 Other Statutory Actions	<input type="checkbox"/> 163 Recovery of Overpayment of Vet. Benefits	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 690 Other		
<input type="checkbox"/> 891 Agricultural Acts	<input type="checkbox"/> 164 Motor Vehicle Product Liability	<input type="checkbox"/> 361 Personal Injury-Med Malpractice	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 710 Fair Labor Standards Act		
<input type="checkbox"/> 893 Environmental Matters	<input type="checkbox"/> 165 Other Contract	<input type="checkbox"/> 362 Personal Injury-Med Malpractice	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 720 Labor/Mgmt. Relations		
<input type="checkbox"/> 895 Freedom of Info. Act	<input type="checkbox"/> 166 Contract Product Liability	<input type="checkbox"/> 363 Personal Injury-Product Liability	<input type="checkbox"/> 443 Housing/ Accomodations	<input type="checkbox"/> 740 Railway Labor Act		
<input type="checkbox"/> 896 Arbitration	<input type="checkbox"/> 167 Franchise	<input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury	<input type="checkbox"/> 445 American with Disabilities- Employment	<input type="checkbox"/> 751 Family and Medical Leave Act		
<input type="checkbox"/> 899 Admin. Procedures Act/Review of Appeal of Agency Decision	<input type="checkbox"/> 168 Land Condemnation	<input type="checkbox"/> 368 Asbestos Personal Injury	<input type="checkbox"/> 446 American with Disabilities-Other	<input type="checkbox"/> 790 Other Labor Litigation		
<input type="checkbox"/> 950 Constitutionality of State Statutes	<input type="checkbox"/> 169 Foreclosure	<input type="checkbox"/> 369 Product Liability	<input type="checkbox"/> 448 Education	<input type="checkbox"/> 791 Employee/Ret. Inc. Security Act		

FOR OFFICE USE ONLY:

Case Number:

ED CV 13 - 01708 CBM (OPx)

BY FAX

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA

CIVIL COVER SHEET

VIII. VENUE: Your answers to the questions below will determine the division of the Court to which this case will most likely be initially assigned. This initial assignment is subject to change, in accordance with the Court's General Orders, upon review by the Court of your Complaint or Notice of Removal.

Question A: Was this case removed from state court?

Yes No

If "no," go to Question B. If "yes," check the box to the right that applies, enter the corresponding division in response to Question D, below, and skip to Section IX.

CIVIL CASE WAS REMOVED FROM THE COURT OF		INITIAL DIVISION
<input type="checkbox"/>	Los Angeles	Western
<input type="checkbox"/>	Ventura, Santa Barbara, or San Luis Obispo	Western
<input type="checkbox"/>	Orange	Southern
<input type="checkbox"/>	Riverside or San Bernardino	Eastern

Question B: Is the United States, or one of its agencies or employees, a party to this action?

Yes No

If "no," go to Question C. If "yes," check the box to the right that applies, enter the corresponding division in response to Question D, below, and skip to Section IX.

CIVIL CASE INVOLVES THE UNITED STATES, OR ONE OF ITS AGENCIES OR EMPLOYEES, AS A PARTY		INITIAL DIVISION
<input type="checkbox"/>	Los Angeles	Western
<input type="checkbox"/>	Ventura, Santa Barbara, or San Luis Obispo	Western
<input type="checkbox"/>	Orange	Southern
<input type="checkbox"/>	Riverside or San Bernardino	Eastern
<input type="checkbox"/>	Other	Western

Indicate the location in which a majority of plaintiffs reside:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Indicate the location in which a majority of defendants reside:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Indicate the location in which a majority of claims arose:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

C.1. Is either of the following true? If so, check the one that applies:

2 or more answers in Column C
 only 1 answer in Column C and no answers in Column D

Your case will initially be assigned to the SOUTHERN DIVISION.
Enter "Southern" in response to Question D, below.

If none applies, answer question C2 to the right. 

C.2. Is either of the following true? If so, check the one that applies:

2 or more answers in Column D
 only 1 answer in Column D and no answers in Column C

Your case will initially be assigned to the EASTERN DIVISION.
Enter "Eastern" in response to Question D, below.

If none applies, go to the box below. 

Your case will initially be assigned to the WESTERN DIVISION.
Enter "Western" in response to Question D below.

Enter the initial division determined by Question A, B, or C above: 	Eastern Division
---	------------------

CIVIL COVER SHEET

IX(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? NO YES

If yes, list case number(s): _____

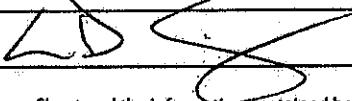
IX(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? NO YES

If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

(Check all boxes that apply)

- A. Arise from the same or closely related transactions, happenings, or events; or
- B. Call for determination of the same or substantially related or similar questions of law and fact; or
- C. For other reasons would entail substantial duplication of labor if heard by different judges; or
- D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

**X. SIGNATURE OF ATTORNEY
(OR SELF-REPRESENTED LITIGANT):** 

DATE: September 19, 2013

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 if not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet).

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405 (g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))

Name & Address:

Emma D. Enriquez (SBN 225059)
 Law Offices of Emma D. Enriquez
 505 N. Arrowhead Ave., Ste. 510
 San Bernardino, CA 92401
 (909) 206-1246 (phone/facsimile)

UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA

EL PASEO JEWELRY, INC., a California
 Corporation,

CASE NUMBER

PLAINTIFF(S)

F D CV 13 - 01708 CBM

(OPX)

v.
 OUT OF THE BOX ENTERPRISES, a Texas limited
 liability company; DARIN DAMME, an individual;
 ROBERT RIDDLEMOSER, an individual

DEFENDANT(S).

SUMMONS

TO: DEFENDANT(S):

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached complaint amended complaint counterclaim cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Emma D. Enriquez, whose address is 505 N. Arrowhead Ave., Ste. 510, San Bernardino, CA 92401. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Dated: SEP 20 2013

Clerk, U.S. District Court

By: A. COBIAN
 Deputy Clerk

(Seal of the Court)

1233

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3).]